

REMARKS

Claims 1-6 are pending in this application. By this Amendment, claim 6 is amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Nordmeyer in the June 14 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Alexander, U.S. Patent No. 1,554,191 in view of Giblin et al. (hereinafter "Giblin"), U.S. Patent No. 6,223,945. The rejection is respectfully traversed.

Alexander fails to disclose or suggest a vertical, curved rib extending along the left and right edges of the label, wherein the vertical, curved rib is contiguous with the left and right edges of the label (emphasis added), as recited in claim 1, and similarly recited in claims 2 and 3.

Alexander merely discloses a milk bottle provided with a pocket 3 in the wall to receive an indicia element 4 (Figs. 1-3). The pocket 3 is an annular member with a roughened surface 5 to receive the disk which may be snapped into place (lines 59-62). That is, Alexander discloses an annular member, not a rib, whereas Applicants' invention discloses a vertical, curved rib. The purpose of Alexander's annular member has nothing to do with strengthening the container or preventing cracking whereas Applicants' vertical, curved rib has significant advantages. For example, the vertical rib acts as a reinforcing member so as to keep the shape of the container, and prevent cracking of the container wall at the edges of the label, even if the container is dropped, as disclosed on page 5, lines 19-22, in Applicants' disclosure.

Accordingly, Alexander fails to disclose a vertical, curved rib extending along the left and right edges of the label, wherein the vertical, curved rib is contiguous with the left and right edges of the label, as recited in claim 1, and similarly recited in claims 2 and 3.

With regard to Giblin, one of ordinary skill in the art would not have been motivated to combine the teachings of Giblin with the teachings of Alexander with any expectation of success as the vertical grooves 210 in Giblin are spaced away from label 310 (Fig. 8). Thus, nowhere in Giblin is there any motivation to modify the disclosure of Alexander in the manner asserted by the Office Action. Further, there is no motivation in Alexander for such a modification given the purpose of Alexander's annular member. In the absence of any motivation to do so, one of ordinary skill in the art would not have combined the references and then modified the resulting combination as asserted in the Office Action to obtain the claimed invention.

With regard to claims 4 and 5, the Office Action alleges, on page 3, that "a particular shape of a prior invention carries no patentable weight unless the Applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention ... In the instant case, the application does not indicate any new, significant attributes of the invention due to changing the shape of the label in the area where the label is located to have recessed corrugated shape, which would have been unforeseen to one of ordinary skill in the art." However, it is respectfully submitted that the shape of the label having a recessed, corrugate shape does have significant advantages. For example, on page 11, first full paragraph, Applicants' invention discloses that the recessed, corrugate shape of the label prevents cracking of the label as the stresses are different in each portion of the corrugate.

Accordingly, Alexander and Giblin, individually or in combination, fail to disclose or suggest the left and right edges have a recessed, corrugate shape formed in the wall surface, as

recited in claim 4 and similarly recited in claim 5. Nor do they provide any motivation for such a shape.

With regard to claim 6, it is respectfully submitted that Alexander and Giblin, individually or in combination, fail to disclose or suggest the body including an in-molded label and a thick portion that spans at least the edge of the label. The Office Action admits, on page 3, that Alexander fails to disclose a synthetic resin bottle having a body that includes an in-molded label. However, the Office Action attempts to overcome the admitted deficiency of Alexander by arguing that Giblin teaches the in-molded label.

However, the structure of Giblin is different from the structure of the claimed invention. In particular, the container in Giblin includes panels having a multi-layer structure with an outer higher density material, an optionally middle layer having a minimum of 25% recycled resin, and an inner, lower density, MI layer with metallocene polyethylene (col. 10, lines 21-25). Giblin says he believes using an in-mold label, in and of itself, provides an advantage in drop and stress tests (col. 12, lines 45-48). However, Fig. 8, used to show the in-mold label, shows none of Applicants' claimed features that protect against stress fractures at the edges of the label. There is no recognition that such a problem exists.

Further, there is no motivation to replace the annular pocket 3 of Alexander with the in-mold label 310 of Giblin as Alexander merely discloses that the pocket receives a disk 4 which is snapped into place (lines 59-63) with the in-molded label found in Giblin.

Accordingly, Alexander and Giblin, individually or in combination, fail to disclose or suggest the body including an in-molded label, wherein a thick portion is formed on an inner surface of the body adjacent to and under an edge of the label, and the thick portion is not formed under the entire label, and the thick portion spans at least the edge of the label, as recited in claim 6.

For at least these reasons, Applicants respectfully submit that Alexander and Giblin, individually or in combination, fail to disclose or render obvious the features recited in independent claims 1-6. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are respectfully requested.

II. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


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